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EXAMINER CHAMBERS, TANGELA T				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,074

Applicant(s)

MUHONEN, JANNE MARKUS

Examiner

TANGELA T. CHAMBERS

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-22 and 31-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-22 and 31-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 0306711.3.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment and arguments filed on 5/1/2008.
2. Claims 1-16 and 23-30 have been cancelled.
3. Claims 17-18 and 21-22 have been amended.
4. Claims 31-35 have been added.
5. Claims 17-22 and 31-35 are rejected.

Specification

6. The disclosure is objected to because of the following informalities:

Page 7, the heading is missing the 'o' in the words 'Embodiments' and 'Invention'. This is evidenced in the published application 2007/0004378 on Page 2, between paragraphs [0041] and [0042].

Page 8, fifth paragraph, eleventh line the word 'described' is missing the second 'e'. This is also evidenced in the published application 2007/0004378 on Page 3, Paragraph [0049], Column 2, Line 3.

Page 11, first paragraph, second line, the word 'principle' is missing the letter 'e'. Again, this is evidenced in the published application 2007/0004378 on Page 4, Paragraph [0057], Line 9.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112 Second Paragraph

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17, 19, 21, 32 and 34 recite the limitation "the control point". There is insufficient antecedent basis for this limitation in the claims.

Claim 22 recites the limitations "said radio coverage area", "said at least two answering points", "said at least one answering point" and "the selected answering point". There is insufficient antecedent basis for the limitations in the claim.

Response to the Arguments

8. The applicant's arguments filed on 5/1/2008 have been fully considered, but they are not persuasive. In the Remarks, the applicant has argued in substance:

(1) The Office Action also objected to the heading of page 7 for missing the "o" in the words "Embodiments" and "Invention." Additionally, the Office Action objected to page 8, fifth paragraph, eleventh line for not using the second "e" in "described." The Office Action also objected to page 11, first paragraph, second line, for missing the letter "e" in "principle."

Response:

(1) The objections to the specification as previously cited must be maintained. The missing letters are evidenced in the originally presented specification as well as in the applicant's pre-grant publication. See ***Specification*** provided above.

(2) The applicant argued features, i.e., a method for establishing an emergency call between a mobile unit and at least two points including receiving an emergency call request, determining a first estimate of the mobile unit's position, interrupting the established emergency call, using a control point to select which point the call should be established with based on the first position estimate and after selecting a point, determining a more accurate position estimate which is provided to the selected point.

Response:

(2) The argued features read upon Rhodes et al (Rhodes).

Rhodes discusses dialing an emergency number by a mobile unit and routing an emergency call to an appropriate switch. Thus Rhodes shows the limitation of "receiving an emergency call request".

Rhodes discusses routing an emergency call to the appropriate point based on the identity of the cell site sector servicing the user's equipment. Thus Rhodes shows the limitation of "determining a first estimate of a position of said user's equipment within said radio coverage area".

Rhodes discusses the mobile switching center receiving the first position estimate and sending a subscriber location report message to obtain the emergency services zone and have a unique emergency services routing key assigned. Thus Rhodes shows the limitation of "interrupting a call establishment of the emergency call".

Rhodes discusses associating a mobile unit's first position estimate to determine the correct emergency services zone and answering point to establish the call. Thus Rhodes shows the limitation of "using the control point to select, based on said first position estimate, which one of said at least two answering points the call is to be established with".

Rhodes discusses determining a more precise position estimate of the user's equipment and providing this information for retrieval by the system until the call is released. Thus Rhodes shows the limitation of "when at least one answering point has been selected, resuming said call establishment, determining a second, more accurate, position estimate, and sending the second position estimate to the selected answering point".

As a result the argued features were shown by Rhodes.

(3) Regarding the applicant's arguments within several of the dependencies, Rhodes, as discussed above, disclosed those limitations or Rhodes as modified by the secondary reference Maanoja et al show those limitations.

(4) In response to the applicant's argument that the references are not combinable, the test for obviousness is not whether the features of a secondary reference may be bodily

incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

(5) In response to applicant's argument that the secondary references are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, all references are location services for wireless units and therefore are analogous.

(6) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the suggestion to combine the references was shown in the background of the secondary references.

As a result, the argued features read upon the references as follows:

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 17-19, 21-22, 31-32 and 34-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Rhodes et al (Rhodes), (US Patent Publication Number 2003/0186709 A1).

As per claims 17, 21 and 35, Rhodes discloses:

- ***A method comprising establishing an emergency call between a user's equipment within a radio coverage area and one of at least two points having functionality to answer the call,*** (Rhodes, FIG. 1-FIG. 3 and Page 3, Paragraphs [0035]-[0041]).
- ***receiving an emergency call request;*** (Rhodes, FIG. 3 and Page 3, Paragraph [0038], "FIG. 3 shows exemplary steps for a cell tower to route an emergency call to an appropriate switch, as shown in FIG. 1.").
- ***determining a first estimate of a position of said user's equipment within said radio coverage area,*** (Rhodes, FIG. 5, Page 3, Paragraphs [0043]-[0044] and FIG. 10, Page 4, Paragraph [0058], "In sub-step A, the ISUP handler checks the switch profile for the cell site indicated by the GDP=ESRD and that indicates "routing based on position"."), As disclosed in the instant application, the first position estimate of the user's equipment is based on its geographical position and is accurate enough to route the call to the relevant PSAP. Rhodes teaches this by disclosing a method to route an emergency call to the appropriate PSAP based on the identity of the cell site sector serving the user's equipment.
- ***interrupting a call establishment of the emergency call,*** (Rhodes, FIG. 3 and Page 3, Paragraphs [0038]-[0042] and Page 4, Paragraphs [0062]-[0072]), After the first position estimate of the user's equipment has been obtained, a switching center receives the first position estimate and sends a subscriber location report

message to obtain the emergency services zone and have a unique emergency services routing key assigned.

- ***using the control point to select, based on said first position estimate which one of said at least two answering points the call is to be established with,*** (Rhodes, FIG. 8 and Page 3, Paragraphs [0049]-[0053], "In sub-step B, the MPC/GMLC associates incoming latitude/longitude location or presence information for the caller's mobile station to the correct emergency services zone and PSAP as provisioned in the CRDB.").
- ***when an at least one answering point has been selected, resuming said call establishment, determining a second, more accurate, position estimate, and sending the second position estimate to the selected answering point.*** (Rhodes, FIG. 9, Page 3, Paragraph [0054] – Page 4, Paragraph [0057] and Page 4, Paragraphs [0062]-[0072], "In sub-step A, updated call data is matched with the existing active call record created by IAM1 using MSISDN from SubLocRpt."), Rhodes teaches that the SubLocRpt Location Estimate is a more precise position estimate of the user's equipment and is available for retrieval by the system until the call is released.

As per claims 18 and 31, Rhodes discloses:

- ***non-call associated signalling is used wherein messages used to select the at least one of the two answering points during call establishment are separate from the messages used for the established call.*** (Rhodes, Page 2, Paragraph [0030] and Page 4, Paragraph [0075] – Page 5, Paragraph [0076]).

As per claims 19 and 32, Rhodes discloses:

- ***said selecting is done using the control point to translate the first position estimate, which is a geographical position into a routing number of the selected answering point.*** (Rhodes, FIG. 8, Page 3, Paragraphs [0049]-[0053] and Page 4, Paragraph [0072]). The coordinate routing database translates the

geographical position of the user's equipment into a routing number of the selected answering point.

As per claim 22, Rhodes discloses:

- ***a base controller configured to control a base transceiver that provides said radio coverage area;*** (Rhodes, FIG. 1), A base controller is inherently a part of a GSM network.
- ***a switching centre configured to receive an emergency call request;*** (Rhodes, FIG. 1 and Page 3, Paragraph [0039]), A mobile switching center (MSC) is disclosed.
- ***a location centre configured to determine a first estimate of the position of a user's equipment within a coverage area;*** (Rhodes, FIG. 3 and Page 3, Paragraphs [0039]-[0042]), A gateway mobile location center (GMLC) used to determine a first estimate of the position of the user's equipment is disclosed.
- ***a control point configured to select which of said at least two answering points the call is established with based on said first position estimate,*** (Rhodes, FIG. 8 and Page 3, Paragraphs [0049]-[0053], "In sub-step B, the MPC/GMLC associates incoming latitude/longitude location or presence information for the caller's mobile station to the correct emergency services zone and PSAP as provisioned in the CRDB.").
- ***wherein said call establishment is interrupted,*** (Rhodes, FIG. 3 and Page 3, Paragraphs [0038]-[0042]).
- ***when said at least one answering point has been selected, said switching centre is configured to resume said call establishment, and a second, more accurate, position estimate is determined and sent to the selected answering point.*** (Rhodes, FIG. 9, Page 3, Paragraph [0054] – Page 4, Paragraph [0057] and Page 4, Paragraphs [0062]-[0072]).

As per claim 34, Rhodes discloses:

- ***establishing means for establishing an emergency call between a user's equipment within a radio coverage area and one of at least two points having functionality to answer the call***, (Rhodes, FIG. 1-FIG. 3 and Page 3, Paragraphs [0035]-[0041]).
- ***means for receiving an emergency call request***, (Rhodes, Fig. 1 and Page 3, Paragraph [0039]), Rhodes teaches a mobile switching center.
- ***means for determining a first estimate of a position of said user's equipment within said radio coverage area***, (Rhodes, Fig. 1 and Page 3, Paragraph [0042]), Rhodes teaches a location center.
- ***means for interrupting a call establishment of the emergency call***, (Rhodes, Fig. 1 and Page 3, Paragraph [0039]), As disclosed in the current application, the control point is triggered by a switching center after the first position estimate of the user's equipment has been obtained.
- ***means for using the control point to select, based on said first position estimate, which one of said at least two answering points the call is to be established with, and when at least one answering point has been selected***, (Rhodes, FIG. 8 and Page 3, Paragraphs [0049]-[0053]), Rhodes discloses a coordinating routing database for selecting an answering point based on a first position estimate.
- ***means for resuming said call establishment***, (Rhodes, Fig. 1 and Page 3, Paragraph [0039]).
- ***means for determining a second, more accurate, position estimate***, (Rhodes, Fig. 1 and Page 2, Paragraph [0025] and Page 4, Paragraph [0057]).
- ***means for sending the second position estimate to the selected answering point***. (Rhodes, Page 4, Paragraph [0057]).

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes et al (Rhodes), (US Patent Publication Number 2003/0186709 A1) in view of Maanoja et al (Maanoja) (US Patent Publication Number 2004/0259566 A1).

As per claims 20 and 33, Rhodes does not specifically disclose:

- ***the first position estimate is determined by using an identifier of said radio coverage area and timing advance information.*** However, Maanoja in an analogous art discloses the above limitation. (Maanoja, Page 3, Paragraph [0049], "The TA value and co-ordinates of the cell can be used to estimate the location of the MS.").

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Maanoja into Rhodes to determine the first position of the user's equipment using an identifier of a radio coverage area and timing advance information. The modification would be obvious because one of ordinary skill in the art would want to employ a method that would allow a user's equipment to be located in a manner that is very quick and accurate. (Maanoja, Page 3, TABLE 2).

Conclusion

11. The prior art not relied upon but considered pertinent to applicant's disclosure is made of record and listed on form PTO-892.

Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TANGELA T. CHAMBERS whose telephone number is 571-270-3168. The examiner can normally be reached Monday through Thursday, 9:00am-6:30pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro, can be reached at 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tangela T. Chambers/
Patent Examiner, Art Unit 2617
June 2, 2008

/Nick Corsaro/

